

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4435

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICARDO RAMIREZ-MONTES, a/k/a Alejandro Navarro-Barron,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry F. Floyd, District Judge. (8:08-cr-01022-HFF-1)

Submitted: July 15, 2010

Decided: July 22, 2010

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. William Walter Wilkins, III, United States Attorney, Columbia, South Carolina; Maxwell B. Cauthen, III, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

Ricardo Ramirez-Montes appeals from his 46-month sentence imposed after pleading guilty to one count of illegal reentry of a deported alien after conviction for an aggravated felony in violation of 8 U.S.C. § 1326(a), (b)(2) (2006). Appellate counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he asserts there are no meritorious issues for appeal. Ramirez-Montes was notified of his right to file a pro se supplemental brief, but has not done so.

Upon review of the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that the district court complied with the requirements of Rule 11. Further, the district court properly calculated the advisory Guidelines range and imposed a sentence at the bottom of the applicable Guidelines range. The record establishes that Ramirez-Montes's sentence is procedurally and substantively reasonable. See Gall v. United States, 552 U.S. 38, 128 S. Ct. 586, 597 (2007) (providing that review of sentence is for abuse of discretion).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States

for further review. If the client requests that a petition be filed, but counsel believes that such filing would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED